IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7634 OF 2004

The Ghodganga Sahakari Sakhar Karkhana ... Petitioners

v/s

Sopan Sitaram Kokade and ors. ... Respondents

Mr Vineet B. Naik for Petitioners.

Mr S.R. Nargolkar for Respondent Nos.2 and 3.

CORAM : D.K. DESHMUKH J.

DATE : 24TH AUGUST 2005.

P.C. :-

1. Rule, returnable forthwith. Heard finally by consent of the learned counsel appearing for petitioners and respondent Nos.2 and 3.

2. The respondent Nos.2 and 3 had made an application, which is at Exh.32 on the record of R.C.S. No.354 of 2002 of C.J., J.D., Shirur, Pune, for being joined as a party to the suit filed by the petitioners. That application has been granted by the impugned order by the Trial Court. Perusal of the order passed by the Trial Court shows that the Trial Court did not have complete copy of the order dated 17th February 2004 passed in writ petition No.420 of 2004. It therefore appears from the order that the Trial Court did not properly understand import of the order passed by the High Court in writ petition No.420 of 2004. In this view of the matter therefore, in my opinion, following order would meet the ends of justice.

3. The order dated 18th June 2004 passed by the Trial Court below application at Exh.32 on the record of R.C.S. No.354 of 2002 is set aside. he Trial Court is directed to hear the application afresh and pass a fresh

order. The petitioner is directed to produce before the Trial Court complete copy of writ petition No.420 of 2004 and the final order passed in that writ petition. The Trial Court shall hear and dispose of this application as expeditiously as possible and in any case within a period of four weeks from the date of receipt of writ of this order.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Personal Secretary of this Court as true copy.

. Certified copy expedited.